

MICHIGAN COURT IMPROVEMENT PROGRAM

ANNUAL PROGRAM REPORT

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I. FEDERAL HISTORY

The Court Improvement Program (CIP) grant provides federal funds to the judiciary to assist them in providing quality assurance in child protective proceedings, a role which was cast for courts by federal statute beginning in 1980. The Adoption Assistance and Child Welfare Act of 1980 (also known as P.L. 96-272) required specific court oversight for child protective cases in which children were placed in foster care. In order to qualify for federal foster care funding, states had to insure that judicial determinations were made that the child welfare agency was making reasonable efforts to reunite children with their families. Public Law 105-89, the Adoption and Safe Families Act of 1997(ASFA), revised P.L. 96-272 and expanded the role of the courts in providing oversight for the child welfare system.

The CIP was initially authorized by the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) and was renewed by ASFA. The initial terms of the grant required the highest court in each state to conduct an assessment of statutes and judicial procedures to determine barriers that impact the ability of state courts to make timely and effective case decisions in child protective proceedings. Subsequent to the assessment, a plan was to be developed for improving court processes found to be deficient. Collaboration with the designated state child welfare agency, citizen review boards, Court Appointed Special Advocates, and guardians ad litem was strongly encouraged.

The Department of Health and Human Services Children's Bureau has committed significant resources to the implementation of the Court Improvement Program. The American Bar Association Center on Children and the Law has been designated as a resource agency to the Court Improvement Program and has taken the lead in establishing communication links between the state CIP initiatives. Annual conferences facilitated by the ABA, the Children's Bureau and the National Council of Juvenile and Family Court Judges bring state CIP coordinators and state level child welfare managers together in a collaborative forum. These and other efforts have effectively disseminated CIP innovations nationally.

II. MICHIGAN HISTORY

A. Assessment Activities

The State Court Administrative Office submitted an application for CIP funding on December 1, 1994. First year funding in the total amount of \$131,013 for the assessment phase was approved and received on April 12 and 28, 1995. The American Bar Association (ABA) was selected as a contractor by the SCAO to conduct the assessment, with some work sub-contracted to the National Center for State Courts and to individual consultants. The ABA completed its work in June, 1997. The draft report was reviewed and edited by SCAO staff and was distributed in September, 1997.

B. Grant Activity

Each grant must be obligated and liquidated within two years from receipt. The second grant in the amount of \$308,281 was received on March 8, 1996. Subsequent awards were made in the amounts of \$308,281 on January 15, 1997 and \$314,896 on March 12, 1998. These grants have all been liquidated.

The fifth award of \$299,100 was granted on August 16, 1999 and funds were liquidated by August 16, 2001. An award of \$293,040 was made on July 22, 2000 and must be liquidated by July 21, 2002. Another award of \$284,641 was made in August of 2001 and must be liquidated by August of 2003. At this time, there is pending legislation to renew the grant, although funding levels have not been determined.

C. Implementation Strategy

Implementation of the assessment report began in late 1997 with assistance from an Advisory Committee which had helped guide the assessment process. Members of this Committee represented high level leadership in all the systems which impact child protection proceedings. A list of the membership can be found in the appendix as **Attachment A**. A key implementation strategy was to hire a coordinator who could devote full time to the CIP initiative. This was accomplished in March of 1998. The coordinator submitted the 57 recommendations in the assessment report to the Advisory Committee for review and they voted on which should be targeted first for implementation.

The Advisory Committee also took a careful look at all the recommendations and differentiated between those which could be practically implemented and those which might merit support in theory, but were not within the scope of the SCAO-CIP program to implement. Recommendations which fell into the later category included broadly worded recommendations suggesting full funding for child welfare programs and recommendations which relied entirely upon another agency to implement. There were also several recommendations deemed by the advisory committee as impractical for CIP implementation due to the difficulty of obtaining consensus either about the process or the act of implementation.

D. The Convening Function of CIP

Discussions with CIP coordinators in other states confirm Michigan's experience that one of the most significant benefits of the program is the ability of the State Court Administrative Offices

to use CIP funds as an incentive to convene meetings with key child welfare stakeholders. The Advisory Committee which has provided a forum for a diverse group of child welfare experts in Michigan to meet and weigh in on the issues impacting child protective proceedings is an example. Another was the conjoint planning of the Child Welfare Leadership Conferences by the Family Independence Agency, the SCAO and the Michigan Judicial Institute. These conferences provided information to judges, attorneys, caseworkers, referees, and agency administrators on managing the chronic child neglect case. Workshops covered topics from child protective mediation to expediting the appellate process for termination of parental rights cases. Although the majority of the funds for the conferences came from the Family Independence Agency (FIA), CIP funds provided a place at the planning table for the judiciary. The conferences presented a balanced approach to tackling some of the hard issues facing all of the child welfare stakeholders.

Other meetings convened by or with the help of CIP range from exploring the possibility of expanding the use of Court Appointed Special Advocates by tribal courts, to an "Adoption Discussion Group" which explored ways for courts, the state child welfare agency, and the private child welfare agencies to expedite permanency after termination of parental rights for the thousands of children now available for adoption. A comprehensive list of other meetings and initiatives convened by or with the help of CIP can be found in the appendix as **Attachment B**.

E. Focus on Child Welfare Issues

There are 14,000 children in foster care on any given day in Michigan, and over 500,000 children in foster care nationally. What has happened and what will happen to these children has a significant long-term social impact. However, child protective proceedings for all their intensity and importance, represent only a small part of a state's judicial proceedings. In Michigan, as well as in most other states, the CIP initiative has placed a child welfare specialist in the State Court Administrative Office with the ability to devote significant time to developing programs that assist courts in expediting permanency for children.

III. KEY INITIATIVES

A. Permanency Planning Mediation Program (PPMP)

Three recommendations from the Michigan CIP Assessment Report suggested that the SCAO should explore the use of alternative dispute resolution methods in child protective proceedings. In March of 1998, a "Permanency Planning Mediation Program" (PPMP) was begun on a pilot basis with CIP funds. Initially, six community dispute resolution program (CDRP) centers already funded by the SCAO received additional funds to offer child welfare mediation services to the courts in their geographic region.

Michigan did extensive research into existing child protective mediation programs in other states including California, Connecticut, Florida, and Oregon. Steve Baron of Santa Clara County, California and Marilou Giovannucci of Connecticut were invited to Michigan to provide training on their mediation programs for mediators and court and agency staff. Expansion occurred rather

quickly, often at the request of judges who were interested in bringing mediation to their courts as a tool for the resolution of high conflict child welfare cases. There are currently 10 PPMP pilot child protection mediation programs covering 19 counties.

As would be expected, implementation of the PPMP pilot has changed over time. Additional counties have sought to be included in the program. For example, during 2001, Cass County, which does not lie within the service area of an existing CDRP center within the PPMP pilot, was incorporated into another existing PPMP pilot center and has begun to receive mediation services. Other counties have sought inclusion in the PPMP pilot as well and, at present, select counties are under consideration for inclusion as funds and capacity allow.

On the other hand, Wayne County, which had begun to receive services previously, has experienced a temporary interruption of services. The CDRP center, which originally managed the Wayne County PPMP pilot, closed for reasons unrelated to PPMP. Discussions are underway with several stakeholders in the Detroit area in an effort to renew the program. The Court, the Family Independence Agency and the Attorney General's Office, which provides agency representation, have all expressed strong support for PPMP in Wayne County. Although CDRP centers continue to be considered for implementation of PPMP in Wayne County, other scenarios are also being explored where a non CDRP agency such as Spaulding for Children (a national adoption resource center) might have a significant role in the implementation of PPMP in Wayne County. While these discussions progress, a neighboring CDRP center in Washtenaw County is providing limited PPMP services in Wayne County.

PPMP began with both strong supporters and vocal skeptics. Three of the initial pilots were eliminated in the first 15 months of the project due to their inability to overcome local resistance. We found that criticism is often a result of not having enough or correct information. Consequently, significant time has been devoted to community education on a statewide basis. **Attachment C** lists "fact patterns" which agencies and courts use as a guide to determine what cases are most appropriate for referral to mediation.

Close to three hundred cases have been mediated since late 1998. Reports from the existing 10 pilots indicate strong judicial support for this program and generally high satisfaction from the participants in mediation. A grant is being sought in order to secure an evaluation of the pilot projects. Outcomes to be measured will include the level of participant satisfaction with the process and whether mediation expedites permanency for children. A contractor has been preliminarily identified.

PPMP utilizes about half the CIP funds granted each year. Included in this amount are the 10 pilot sites, and the training provided to coordinators and the mediators. Future tasks include completing the program evaluation, securing permanent funding for both the pilots, and for expansion to additional locations.

B. Benchbook

The State Court Administrative Office, through the Michigan Judicial Institute, utilized CIP funds to research, prepare and distribute the *Child Protective Proceeding Benchbook* to family

division judges and referees. The benchbook addresses all facets of child protective proceedings and related issues such as statutory and court rule requirements, required agency responsibilities, quality control issues, service and program alternatives, and funding issues. As of April 4, 2000, 2,600 copies had been distributed. Requests for the publication continue to be made.

In addition to the Benchbook, MJI staff worked with the Children's Charter of the Courts of Michigan to develop a separate but complementary manual for practitioners such as attorneys and caseworkers. It is entitled, *Guidelines for Achieving Permanency in Child Protection Proceedings*. The funding for this 250 page manual was provided through a collaborative effort between CIP, the Michigan State Bar Foundation, and the FIA. Five thousand copies were initially printed and nearly all have been distributed. The manuals have been very popular with both attorneys and child welfare caseworkers.

An electronic copy of the Benchbook is available at the Michigan Supreme Court's website at www.supremecourt.state.mi.us. A copy of *Guidelines for Achieving Permanency in Child Protection Proceedings* can be obtained from Children's Charter of the Courts of Michigan, 324 N. Pine # 1, Lansing, MI 48933.

C. Absent Parent Protocol

Recommendation #10 in the Michigan CIP Assessment Report stated: *"In order to diminish adjournments, county practices addressing the identification of and service of process on fathers, especially FIA practices, need to be more closely examined to determine how fathers can be better identified and served early in the court process."*

The CIP Advisory Committee prioritized this as its number one recommendation for implementation. This issue was addressed in other states' CIP assessments and has been featured by a number of groups in Michigan as a major reason for delay in permanency for children. Children are often removed from their mothers, and their father's identity or location is not ascertained until much later in the case, often just before a termination of parental rights petition is being filed. At that point, if the father appears, he tends to argue that he has not been given a chance for custody and, in many cases, it is discovered that a diligent effort has not been made to identify or locate him. Hence, the court is compelled to provide due process by giving him a chance to demonstrate his fitness as a parent, delaying permanency for the children sometimes for a year or more.

Through a competitive bidding process, the SCAO selected the Children's Charter of the Courts of Michigan to develop an absent parent protocol for use by courts and child welfare agencies to insure that absent parents (usually fathers) are given due process in child protective proceedings beginning with the preliminary hearing.

In addition to the protocol, Children's Charter is also developing a training module for use by the Michigan Judicial Institute and the Family Independence Agency to train courts and child welfare staff on the use of the protocol. The protocol is being piloted in Kent, Ogemaw, Marquette and Wayne counties. Marquette and Wayne counties are also piloting the use of child support orders in order to merge IV-D and IV-E activities in child protective proceedings. The anticipated outcome of efforts to identify and locate absent parents will be earlier and more appropriate intervention with

the fathers along with expedited permanency for their children. The protocol is included with this report.

Statewide dissemination of the protocol will occur in 2002. It is also anticipated that training will occur in regionally based sites to assist with the implementation of the protocol.

D. Training

Training was identified as an area of need in a number of recommendations from the Assessment Report and it continues to receive emphasis. On January 1, 1998, Michigan began formal implementation of the family division of the circuit court which incorporated all substantive areas of family-related law into one jurisdiction. As a result of that systemic change, it has been critical to provide training in the area of child abuse and neglect to a large group of judges, court administrators, referees, and court clerks who had little or no experience in processing these cases or ensuring provision of services to the children and families.

Training has been provided by the MJJ, SCAO's Trial Court Services staff, the CIP coordinator, and others. A complete list of training initiatives can be found in **Attachment D**. What follows are recent efforts:

1. Permanency Planning Mediation Training

A significant training effort for the past three years has been in the area of preparing experienced mediators for the challenge of the complicated multi-party mediation process in the Permanency Planning Mediation Project discussed earlier in this report.

More than 120 mediators have been trained in four separate training sessions since the spring of 1998. What began as a one and one-half day training has evolved into two and one-half days. CIP funds were initially used to bring recognized leaders in the area of child protective mediation into Michigan to train both mediators and staff. However, due to our significant experience with this concept, CIP funds are being utilized this year to pay for an experienced, in-state PPMP coordinator to draft a training curriculum and use the curriculum to train mediators this spring.

There have also been three additional training and discussion sessions for PPMP coordinators in order to insure statewide consistency with the original model established for this program. CIP funds also paid for a number of local mediation center staff to attend a national dependency mediation training in Columbus, Ohio.

In December of 2000, Marilou Giovannuci, director of the child protective mediation program in Connecticut for the past 18 years and Manager of Court Services Officer Programs, was invited to Michigan where she conducted a four-hour training session in Detroit on child protective mediation. The audience of over 100 included Wayne County judges, referees and court appointed attorneys. This training session was a vehicle to initiate the child protection mediation programs in Wayne County.

2. Attorney/Social Worker Training

This interactive training brought court-appointed attorneys for parents and children together with caseworkers to discuss relevant law and policy from May through September of 2000. The vehicle for the interactive training model was a case scenario developed by Professor Don Duquette of the University of Michigan Law School. It presented multiple decision points as it led the participants to paths for achieving permanency for the children. The trainer's role was primarily facilitative, but all were well versed in Michigan child protective law.

After four successful pilots, the SCAO secured \$150,000 from the Children's Justice Act advisory group (the Governor's Task Force on Children's Justice) to implement this training statewide. Fourteen trainers were selected and trained in the model, all of whom were attorneys with substantial child welfare experience. Several also were referees in the family division of the circuit court. A total of 1,200 attorneys and social workers were trained jointly in groups of about 40. There were fewer attorneys than anticipated. This seems to be due to two issues. 1. Attorneys were not paid to attend this training. 2. There are far fewer attorneys than workers in some areas of the state, which caused unbalanced attendance in those regions. An evaluation of the initiative was conducted by the Michigan State University School of Social Work under the direction of Dr. Gary Anderson. Feedback from the participants and the trainers was exceptionally positive. The evaluation summary is available upon request.

3. Family Division Summit

The Michigan Judicial Institute sponsored a conference for over 400 staff members of the family division on March 27, 28, and 29, 2000. The CIP helped fund a number of the workshops relevant to child protective proceedings, including: **Common Issues and Trends in Appeals of Termination of Parental Rights, Alternative Dispute Resolution Methods, Domestic Violence and the Child Protective Proceeding, Family Group Conferencing, Protective Proceedings 101 (for judges and referees new to the Family Division), and the Indian Child Welfare Act.**

E. Permanency Indicators Court Report

A substantial legislative package known as the "Binsfeld Legislation" was signed by the Governor in December of 1997. This legislation was a result of a commission chaired by Lt. Governor Connie Binsfeld that examined all aspects of child welfare in Michigan. Many of the statutes in this package implement the Adoption and Safe Families Act's emphasis on timely permanence and accountability. One statutory mandate was that the SCAO issue an annual report on each court relative to its success in providing permanency for children in a timely manner. The CIP Assessment Report Recommendation #14 indicated a need for a similar report. Consequently, the mandated report is being implemented through the collaboration of the CIP and the Judicial Information System (JIS) division of the SCAO. The report contents have been drafted, JIS has written data entry specifications, and software is being developed for the management of the data.¹ Data collection in three of the six pilot courts has begun. Collection in the three pilot courts which utilize JIS software for data collection has been seriously delayed due to the death of the primary

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All data fields and definitions are available to the "non JIS" court pilots.

programmer for this project and the inability to secure a replacement. Additionally, attempts to use the work of the original programmer was progressing slowly. However, in January 2001, a staff member was selected to continue this project and it is anticipated that reports should be forthcoming in the spring of 2002. This is one of multiple information systems projects which are competing for attention at the SCAO, and it appears that statewide implementation will be delayed until at least 2002. One of the priorities for JIS has been the complete revision of the caseload data collection and the reporting system. This was necessitated by the changes precipitated by the court reorganization effort.

Since it appears that the demands of this report are straining the resources of the SCAO Judicial Information System (JIS) unit, as well as court technology capacities, a request for assistance made be made in 2002 to the National Resource Center for Information Technology.

One of the early lessons learned from this project is the need to accompany the collection of data with the ability to assist courts in analyzing their reports and helping them develop corrective measures when the summary reports reveal a problem. Indications are that when court perceptions of their performance are not reflected in the data there is receptivity to suggestions as to where and how they might improve their permanency planning efforts.

IV. NEW CIP INITIATIVES BEING PLANNED

There are three new CIP initiatives in various phases of development. These include a discussion group where judges, Family Independence Agency policy directors, and private agency administrators met on three occasions to discuss ways to improve the management of cases where termination of parental rights has occurred. The project had a working title of "The Adoption Discussion Group" and the primary outcome was an unofficial list of suggested practices for courts and agencies for the post-termination case. The discussion was collaboratively facilitated by the CIP coordinator and the FIA Adoption Manager. As a result of that initiative, more discussions have taken place between FIA and SCAO about adoption related matters, including plans to involve courts in the celebration of Adoption Month in November of 2002.

A second initiative, in the planning stage, is a project to assist local courts and child welfare agencies to collaborate on who represents the child welfare case in court when there is both a public and private agency worker on the same case. It is the strong sentiment of the Family Independence Agency that the public worker should not attend court hearings regularly when the foster care work has been contracted out to a private agency. FIA perceives this as a resource issue because public agency workers on these cases are contract managers rather than caseworkers and their caseloads do not permit them the time to see clients and attend court hearings. Courts, on the other hand, feel it is necessary to have the FIA caseworker present at all hearings in addition to the private contract agency because the Family Independence Agency is the responsible party to whom the court refers the child. Plans for this project include involving Judge John Steketee and Ron Apol of the Kent County Family Division Court because of their success in resolving this issue in Kent County. Additionally, mediators from the Community Dispute Resolution Centers will facilitate the local discussions due to the anticipated disputed issues and perceptions around this issue. Initial plans are to pilot the project in four locations where court and agency relationships are collaborative and later to expand to all regions in the state. The beginning of this project is targeted for early 2002.

A third project, discussed in the last report, now underway, is an assessment of the Michigan law which governs the appointment of lawyer-guardians ad litem for children. This statute was implemented over two years ago, and requires a great deal of proactive involvement by the lawyer-guardian ad litem. There are a variety of perceptions as to how successful the implementation has been and the Governor's Task Force on Children's Justice, the Family Independence Agency, and the SCAO-CIP have collaborated to secure an evaluator and develop the evaluation protocol. Don Duquette, law professor at the University of Michigan, was appointed by the Governor's Task Force as chair of an interdisciplinary group overseeing this project. The Governor's Task Force has authorized \$75,000 for this project and CIP will contribute \$15,000 in cash and in-kind services. Through a competitive bidding process the ABA Center for Children and the Law has been selected as the evaluator. They met with the advisory group for the project on November 13, 2001, and will begin mail and focus group surveys within the next couple of months.

APPENDIX

Michigan Court Improvement Program

Attachment A
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Attachment B

STATE COURT ADMINISTRATIVE OFFICE MICHIGAN COURT IMPROVEMENT PROGRAM Collaborative Meetings and Initiatives



1. The CIP coordinator is a member of an interagency policy group devoted to insuring full implementation of the Adoption and Safe Families Act in Michigan.
2. The CIP initiated and coordinated an ASFA/Juvenile Justice Summit to ascertain how ASFA applies to the neglect/abuse cases within the juvenile justice population.
3. The CIP Coordinator and the Manager of Family Division Implementation sit on the Advisory Board of the Chance At Childhood Social Work and Law initiative being developed by Michigan State University and the Detroit College of Law (at MSU). The purpose of this effort is to provide cross-training to attorneys and social workers in the area of child welfare and relates to several CIP recommendations. The project is being spearheaded by retired Lt. Governor Connie Binsfeld, whose commission report “In Our Hands” was recommended as a companion to the CIP Assessment Report.
4. Participation by the CIP coordinator in national and regional conferences devoted to improving child welfare practice, including the invitational post-adoption conference sponsored by the Casey Foundation provides updated information to the SCAO.
5. The CIP coordinator participates in various meetings sponsored by the Michigan Kid’s Count initiative, The Children’s Ombudsman’s office and The Michigan Federation of Private Agencies as a liaison from the SCAO.
6. The CIP helped coordinate a meeting between Scott Hollander, Executive Director of Kids Voice and the model for the TV show “The Guardian” and members of the Michigan judiciary and legal system.
7. Through the CIP, a plan was developed to use mediation to resolve placement disputes which arise from parties to a child protective proceeding.
8. The CIP Coordinator spoke to all local FIA county directors at the request of FIA to explain how mediation is used to expedite permanency in child protective proceedings.
9. The CIP coordinator has consulted with a variety of groups on child protection issues including the Safe Delivery Act implementation group and the court rule sub-committee on ASFA regulations.
10. The CIP coordinator attended and responded to legislative sub-committee on child protective issues.

Attachment C

Examples of Fact Patterns for Mediation from the Casework Perspective

PRE-ADJUDICATION cases in which there are (is):

- Very angry parents who cannot get past the fact the kids were placed.
- Parents with good potential for change if they would just cooperate.
- Children placed with relatives who have a conflicting relationship with parents, but who could be a resource if familial relationship could be worked out.
- Any case where disputes are delaying progress.
- Cases where placement is an issue either because parents object to the placement or because the placements are unstable and mediation may give everyone a chance to discuss the best options calmly.

What might happen?

1. Barriers come down and cooperative working relationships are established.
2. Family relationships are improved.
3. Parents fully participate in the development of a service plan and this might improve the odds of their compliance.
4. A plea is negotiated along with the service plan, hastening the start of reunification.
5. Improved communication is established early, laying the ground work for cooperative work.
6. Adjudication may happen more quickly, giving the parents a chance to start on their service plan early in the case, thus helping both FIA and the court stay in compliance with the Binsfeld and ASFA time lines.

POST-ADJUDICATION cases where there are (is):

- Conflict with the foster parents (between them and worker and/or parents).
- Problems with visitation (planning, implementation, supervision, parental behavior).
- Constant complaints from the parents to the worker which take enormous amounts of time to discuss and resolve.
- Worker frustration with the parents' attitude.
- Relatives demanding placement later in the case.
- Appearance of "absent fathers" demanding due process.
- Many disrupted placements where mediation might help all involved develop a plan to stabilize the placements.
- Break down in compliance in a case where the worker really wants to reunify and can't seem to motivate the parents.
- A need for a transition plan for a child who is going home, but where the foster parents are very attached and the move will be traumatic for them, child and birth family.

What might happen?

1. Birth parents and foster parents come to see each other in a more favorable light.
2. A transition plan is developed which builds bridges between the foster home and the birth home for the sake of the child.

3. The absent father is satisfied the child is being well cared for.
4. A foster parent appeal to the FCRB is averted.
5. Parent begins to take some responsibility for their behavior and views worker as a human being rather than as a roadblock to their desires. (i.e. parent agrees to stop calling worker daily and a phone contact schedule is established which is reasonable and productive).
6. A plan is developed which helps stabilize placement.
7. Worker and parent develop agreement around specific issues and a place to start.
8. Parent re-commits to compliance with service plan.

PERMANENCY PLANNING HEARING cases where there are (is):

- Real uncertainty as to what the plan should be, especially when termination is the most likely plan, but the evidence won't support it.
- Any issues which need to be resolved prior to making a recommendation to court.
- Conflict between the attorneys and worker about what the plan should be (especially between the Attorney-Gal and worker or Prosecutor and worker).

What might happen?

1. People come to consensus about some or all of what to recommend to the court.
2. Parents decide to release their rights.
3. Worker gets support for his/her position from attorneys.

POST- PERMANENCY PLANNING cases where there are (is):

- Need for transition planning for the children.
- Need for clarification of the plan established in the court.

POST-TERMINATION cases where there are (is):

- Multiple families wishing to adopt.
- Placement problems which might be helped through improved communication.
- Transition plan between the foster and adoptive parents.

Examples of Fact Patterns for Mediation from the Court Perspective

PRE-ADJUDICATION cases in which there are (is):

- No criminal case pending.
- Demand for a bench or jury trial.
- Parents who are exceptionally angry at the worker.
- A parent who could benefit from being helped to communicate with the "system" representatives.
- Relatives demanding placement.
- Any case where the parents would benefit from getting an early start on the service plan.

POST-ADJUDICATION cases in which there are (is):

- Worker/parent conflicts which are difficult to sort out and interfere with progress.
- Foster parents' conflicts with agency/worker and/or birth family.
- Visitation problems.
- Relatives intervening, asking for placement.
- Significant breakdown in parental compliance.
- Parental complaints about the service plan.
- The need for a transition visiting plan between the child and their next placement.
- Significant court room conflict which tends to hamper the progress of the review hearings.
- A need to try something different because nothing else has worked very well.
- Significant delay in permanency for the child for any reason.
- A putative or legal father appearing late in the case.

PERMANENCY PLANNING HEARING cases in which there are (is):

- Uncertainty as to what the plan should be or what is in the best interest of the child.
- A need to develop a very specific reunification plan.

POST-TERMINATION cases where there are (is):

- Multiple families wishing to adopt.
- Placement problems which might be helped through improved communication.
- Lack of progress relative to permanency for the child.

Training Initiatives

Training was an area of need identified in a number of recommendations from the assessment report. Training received considerable emphasis during the first year of implementation. On January 1, 1998, Michigan began formal implementation of the family division of the circuit court, which incorporated all substantive areas of family-related law into one jurisdiction. As a result of that systemic change, it was critical that training be provided in the area of child abuse and neglect to a large group of judges, court administrators, referees, and court clerks who had little or no experience in processing these cases or ensuring provision of services to the children and families.

Training efforts began with planning initiatives throughout 1997. Training has primarily been provided by the Michigan Judicial Institute (MJJ); some in conjunction with other entities. A number of training seminars occurred in late 1997 to assist judges and court staff in preparing for implementation of the family division. Training has continued through the date of this report and will be ongoing as issues related to child abuse and neglect are addressed in the context of the family division.

Some training seminars have been dedicated to child welfare issues related to the Court Improvement Program goals, while others have focused on them as part of a more broad-based seminar. Training seminars (MJJ responsible for the training unless otherwise noted) provided to date have included:

- Juvenile Registers Training - October, 1997. Focused on substantive aspects of adoption and permanency; case processing requirements, records management issues, and the impact on these cases due to the family division.
- Probate Registers Workshop (Michigan Probate and Juvenile Registers Association)- October, 1997. Focused on adoption and permanency issues and addressed intake and case processing changes due to the family division. SCAO staff was a presenter. MJJ videotaped the workshop as a training aid and distributed it to all probate registers.
- Juvenile Registers Workshop (Michigan Probate and Juvenile Registers Association) - November, 1997. Focused on adoption and permanency issues and addressed intake and case processing changes due to the family division. SCAO staff was a presenter. MJJ videotaped the workshop as a training aid and distributed it to all juvenile registers.
- County Clerk Training - November, 1997. Necessary for clerks, who are the constitutional record keepers for circuit courts. Focused on all aspects of substantive law related to child abuse and neglect, case processing, forms management, records storage and management, and working relationships with judges and court staff. Session was videotaped as a training aid for all County Clerks. Extensive materials were distributed.
- Judicial Transition Seminars - January-June, 1998. Training for judges assigned to the family division of the circuit court. Focused on a variety of substantive issues, with emphasis on child protective hearing procedures, docket management, programs and services, and funding sources.
- Family Division Management Team Seminars - January-June, 1998. Multi-disciplinary teams from local jurisdictions attended to assess implementation of their family division implementation plans in the different substantive areas of the family division. Particular emphasis was placed on processing of cases, including child protective proceedings, adoptions, and permanency issues, as they impact different members of the teams.

- Probate Judges Annual Conference - January, 1998. Session of agenda devoted to an update of the progress of implementation of CIP, review of the assessment recommendations, and feedback from the judges assigned to the family division regarding priority of future implementation efforts.
- Referees Association of Michigan - May, 1998. Training for referees on child abuse and neglect issues such as family dynamics contributing to abuse and neglect, child as victim, medical aspects of abuse, forensic evidence, Munchausen Syndrome by Proxy and elements of neglectful parents, that may be encountered by hearing referees.
- Family Division Referees Seminars - July-August, 1998. Training will contain segment on hearing procedures in child protective proceedings, particularly critical hearing decisions and their impact on children and families, funding, and permanency planning.
- Child Welfare Leadership Conferences - Through collaboration between the FIA and the SCAO (through the CIP and the MJI) two major statewide conferences were held in September of 1998. The two-day conferences were focused on bringing together a mix of judges, referees, court administrators, social service administrators, front line child welfare workers, prosecutors, court-appointed attorneys for children and parents, and foster parents. The theme of the conferences was "Managing the Chronic Neglect Case". Workshop and plenary sessions offered ideas and methods to help the entire child welfare system achieve permanency for children within the time frames of Michigan's recently enacted "Binsfeld Legislation", as well as the Federal Adoption and Safe Families Act. Over 650 individuals attended one of these two conferences.

Presenters included Mark Hardin, Steve Baron, Marilou Giovannucci, and Judge Jim Payne from Indiana. The keynote address was given by Dr. Donna Rosenberg who provided a schema for assessing and addressing the issues in the chronic neglect case.

Positive results from this collaborative effort include more frequent communication between the SCAO and the FIA relative to child welfare and channels of interaction that are more open and productive. Two years later, people still refer to workshops in these conferences as the beginning of new ways of thinking about such things as mediation, ASFA, domestic violence and the child welfare case, and the impact of substance abuse on family functioning.

- Family Division Summit - The MJI sponsored a conference for over 400 staff of the Family Division on March 27, 28, and 29, 2000. The CIP helped fund a number of the workshops relevant to child protective proceedings, including: Common Issues and Trends in Appeals of Termination of Parental Rights, Alternative Dispute Resolution Methods, Domestic Violence and the Child Protective Proceeding, Family Group Conferencing, Protective Proceedings 101 (for judges and referees new to the Family Division), and the Indian Child Welfare Act.
- Family Division Referees: Abuse and Neglect Seminar - This two-day session in January 1999, was coordinated by the MJI and funded entirely by the CIP. The focus was on abuse and neglect proceedings for new referees and those experienced referees who are new to child protective proceedings.

Topics included an overview of Child Protective Proceedings in Michigan, an overview of the Indian Child Welfare Act, and FIA policy and procedure.

- Cases Involving Allegations of Child Sexual Abuse - The CIP funded a small portion of this training held in March of 1999. Even though its primary focus was the custody case, many of those in attendance were from the Family Division of the Circuit Court and will apply lessons from this training to child protective proceedings. Presenters included state experts in child sexual abuse cases. One of the sessions covered the use of a forensic interviewing protocol recently developed by the FIA; another focused on helping courts evaluate expert testimony and case evaluations.
- Attorney/Social Worker Training - This interactive training brings court-appointed attorneys for parents and children together with caseworkers to discuss relevant law and policy. The vehicle for the interactive training model is a case scenario developed by Professor Don Duquette of the University of Michigan Law School. It presents multiple decision points as it leads the participants to paths for achieving permanency for the children. The trainer's role is primarily facilitative, but he or she must be well versed in Michigan child protective law.

After four successful pilots, the SCAO secured \$150,000 from the Children's Justice Act advisory group (the Governor's Task Force on Children's Justice) to implement this training statewide. After a period of recruitment, 14 trainers were selected and trained in the model. All of the trainers are attorneys with substantial child welfare experience; a number of them are referees in the family division of the circuit court. A total of 1,200 attorneys and social workers were trained jointly in groups of about 40. Training materials were attached to the June 2000 report. An evaluation of the initiative was conducted by the Michigan State University School of Social Work under the direction of Dr. Gary Anderson. Feedback from the participants and the trainers has been exceptionally positive.

- Mediation Presentation for Foster Care Review Board Program - Appropriate cases for referral for mediation were discussed with the Foster Care Review Board Advisory Committee in February 2001.
- Mediation Presentation to Probate Judges Conference - Three judges who make extensive use of the PPMP pilot presented to their colleagues in February 2001, along with presentations by CIP staff.
- Probate Judges Speciality Seminar - CIP provided funds for a three and a half hours presentation to judges on ASFA guidelines for courts in April 2001.
- Court Responsibilities under ASFA - The CIP coordinator presented ASFA requirements to juvenile officers and administrators in April 2001.
- Using Mediation to Expedite Permanency - At the invitation of the administrator of the Family and Children's Division of the state office of FIA, the PPMP pilots were explained to all of the FIA county directors in June 2001.
- Using the Absent Parent Protocol - The protocol was distributed and explained to all of the Wayne County private foster care agencies in September 2001.
- Court Responsibilities under ASFA for Referees Conference - In October 2001, a panel, including the CIP coordinator, explained to referees what they must do to insure ASFA compliance.